

AN ORDINANCE  
BY COUNCILMAN JIM MADDOX

02-0 -1976

**AN ORDINANCE TO AMEND VARIOUS SECTIONS OF  
CHAPTER 138 REGARDING STREETS, SIDEWALKS AND  
THE PUBLIC RIGHT-OF-WAY SO AS TO CLARIFY THE  
INTENT OF SPECIFIC SECTIONS CONTAINED  
THEREIN; TO REPEAL CONFLICTING SECTIONS; AND  
FOR OTHER PURPOSES.**

**WHEREAS**, it is the charge of the City Council to protect the health, safety, welfare, comfort and convenience of residents and visitors to the City of Atlanta, including maintaining a safe and convenient municipal street system and other Public Right-of-Way; and

**WHEREAS**, the City of Atlanta previously enacted a comprehensive Public Right-of-Way Ordinance to allow the City to otherwise manage its Public Right-of-Way in a manner as contemplated by the Federal Telecommunications Act of 1996; and

**WHEREAS**, based on observations of the City staff and comments from the industry, there is a need to clarify the intent of certain provisions and further set forth the responsibilities of those conducting activities in the Public Right-of-Way.

**NOW, THEREFORE THE CITY COUNCIL OF THE CITY OF ATLANTA,  
GEORGIA HEREBY ORDAINS AS FOLLOWS:**

**(1) SECTION 1:**

That Section 138-65 shall be amended by adding a new Section 138-65 (17) to read as follows:

Reservation of Rights- The City reserves the right, upon the review of its franchise application, to waive, modify or amend by ordinance, the various provisions of Chapter 138 regarding Streets, Sidewalks, and the Public Right-of-Way and sections of the franchise agreement taking into account, among other factors, the financial stability of the Franchisee or Revocable Licensee and the past performance of the Franchisee or Revocable Licensee in the City's Right-of- Way.